

## CCRB INVESTIGATIVE RECOMMENDATION

|   |                                     |                           |  |                                    |  |
|---|-------------------------------------|---------------------------|--|------------------------------------|--|
| Investigator:<br>Diana Murray                     | Team:<br>Team # 3                   | CCRB Case #:<br>201207058 | <input checked="" type="checkbox"/> Force              | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.              |
|   |                                     |                           | <input type="checkbox"/> Abuse                         | <input type="checkbox"/> O.L.      | <input checked="" type="checkbox"/> Injury |
| Incident Date(s)<br>Tue, 05/22/2012 9:00 PM       | Location of Incident:<br>[REDACTED] | Precinct:<br>23           | 18 Mo. SOL<br>11/22/2013                               | EO SOL<br>11/22/2013               |  |
| Date/Time CV Reported<br>Fri, 05/25/2012 10:29 PM | CV Reported At:<br>IAB              | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Fri, 06/01/2012 10:43 AM |                                    |  |

| Complainant/Victim | Type       | Home Address |
|--------------------|------------|--------------|
| [REDACTED]         | [REDACTED] | [REDACTED]   |

| Witness(es) | Home Address |
|-------------|--------------|
| [REDACTED]  | [REDACTED]   |

| Subject Officer(s)         | Shield | TaxID      | Command |
|----------------------------|--------|------------|---------|
| 1. POM Theohari Koumniotes | 15817  | [REDACTED] | 023 PCT |
| 2. Officers                |        | [REDACTED] | 023 PCT |

| Officer(s)                 | Allegation   | Investigator Recommendation |
|----------------------------|--|-----------------------------|
| A. POM Theohari Koumniotes | Force: PO Theohari Koumniotes used a chokehold against § 87(2)(b) [REDACTED] | [REDACTED]                  |
| B. Officers                | Force: Officers used physical force against § 87(2)(b) [REDACTED]            | [REDACTED]                  |

### Case Summary

On May 25, 2012, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via phone, generating IAB log 12-28620. This case was received at the CCRB on June 1, 2012.

On May 22, 2012, at approximately 8:52 p.m., § 87(2)(b) was arrested for criminal possession of a weapon, unlawful assembly, and disorderly conduct, and transported to the § 87(2)(b) PO Theohari Koumniotes from the 23<sup>rd</sup> Precinct, who § 87(2)(b) identified via his last name and tax registry number, conducted a search of § 87(2)(b) at the stationhouse, and sliced his hand on the edge of a concealed blade in the process. PO Koumniotes then took § 87(2)(b) to the stationhouse bathroom and allegedly choked him (**Allegation A**). Additional officers who § 87(2)(b) could not identify entered the bathroom and allegedly punched and kicked § 87(2)(b) (**Allegation B**). § 87(2)(b) received medical treatment for body contusions. Because § 87(2)(b) identified PO Koumniotes as the officer who choked him, allegation A is being pleaded against him and allegation B is being pleaded against “officers” from the 23<sup>rd</sup> Precinct.

Between June 6, 2012, and July 24, 2012, six attempts were made to contact § 87(2)(b) via phone, resulting in two conversations and four voicemails. On July 24, 2012, during a phone conversation which can be located in IA #18 on the digital recording 201207058\_20120724\_1731.WAV., § 87(2)(b) expressed interest in withdrawing his complaint. He indicated that he did not think that the officers would receive appropriate punishment and he did not have time to provide a verified statement. § 87(2)(b) indicated that he was not coerced by any member of the CCRB or the NYPD to withdraw his complaint. This conversation was reviewed by Supervising Investigator Edwin Pena, who confirmed that it adheres to agency standards. On July 24, 2012, a withdrawal letter was mailed to § 87(2)(b)'s confirmed residence and will be added to the case file upon its return to the agency.

§ 87(2)(g)

Team: 3

|               |                        |            |
|---------------|------------------------|------------|
| Investigator: | <u>Diana P. Murray</u> |            |
|               | Signature              | Print Date |
| Supervisor:   |                        |            |
|               | Title/Signature        | Print Date |
| Reviewer:     |                        |            |
|               | Title/Signature        | Print Date |
| Reviewer:     |                        |            |
|               | Title/Signature        | Print Date |